

JOHN D. POFFENBERGER
BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
A. RALPH NAVARO, JR.
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS

JOSEPH R. JORDAN
WAYNE L. JACOBS
KURT A. SUMME
KEITH R. HAUPT
C. RICHARD EBY
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
DAVID E. PRITCHARD
DAVID H. BRINKMAN
DONALD M. HILL, JR.
STEPHEN W. BARNES
J. DWIGHT POFFENBERGER, JR.
BEVERLY L. LYMAN, Ph.D.

WOOD, HERRON & EVANS, L.L.P.

2700 Carew Tower
Cincinnati, Ohio 45202-2917
(513) 241-2324

FAX (513) 421-7269

**PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION**

EDMUND P. WOOD
1923-1968
TRUMAN A. HERRON
1935-1976
EDWARD B. EVANS
1936-1971

OF COUNSEL
HERBERT C. BRINKMAN
RICHARD H. EVANS

TRADEMARK AND INT'L
PATENT ADMINISTRATION
KATHRYN P. EVANS
STAFF ATTORNEY

FACSIMILE COVER SHEET

If transmission is interrupted or of poor
quality, please notify us immediately by
calling 513 \ 241-2324.
Ask for sender's secretary.

FAXED 5/25/97

JUN 25 1997

GROUP 0000

TO: Examiners Ghatt and Burr**Fax No.: (703) 308-2864****Pages (including cover page): 3****Date: June 25, 1997****FROM: Dave Pritchard, Esq.**

**Re: Temporary Implant for Use as an Anchor in the Mouth
Our Ref. No.: ORM-113US
U.S. Serial No.: 08/480,836
Applicants: Sachdeva et al.**

In follow up to our brief telephone conversations on June 3, 1997 and June 23, 1997, I have enclosed a few sample claims including potential claim amendments which may assist us in working towards a Notice of Allowance. As requested, I also have included a sample statement regarding the meaning of "orthodontic appliance," which also may be of assistance in moving the case towards a Notice of Allowance. As we discussed, the sample claims and statement provided in this facsimile are being provided for discussion purposes only, and are not to be construed as a formal Reply by the Applicants. Once you have had an opportunity to review the sample claims and statement, please call me so that we may address any outstanding issues.

The information in this facsimile message is

ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION
intended only for the use of the individual or entity to whom this fax is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via United States Postal Service. Thank you.

U.S. Serial No.: 08/480,836
Temporary Implant for Use as an Anchor in the Mouth
Applicants: Sachdeva et al.

FOR DISCUSSION PURPOSES ONLY

positioning at least a part of said elongated body, including said inner end, in an opening in a bone surface selected from the group consisting of the buccal, labial, lingual and palatal surfaces of the maxillary jawbone and the buccal, labial and lingual surfaces of the mandibular jawbone, thereby forming an anchor in a non-occlusal surface of the mouth for use in creating a stabilizing or moving force.

Sample Statement:

As used in the Application, the term "orthodontic appliance" refers to a bracket, hook, ball joint, buccal tube, Herbst appliance, arch-expanding jack screw, and the like. The term also refers to any other orthodontic or orthopedic device which may benefit from the use of an implant as a load-bearing anchor in the mouth, in creating a stabilizing or moving force. However, a suture is not considered to be an orthodontic appliance.

Support for this sample statement may be found in the Specification on pages 6, 20 and 21.

1
FAXED OUT THE 11/11

JUN 25 1997

GROUP 3000

JUN 25 1997

GROUP 3300

U.S. Serial No.: 08/480,836

Temporary Implant for Use as an Anchor in the Mouth

Applicants: Sachdeva et al.

FOR DISCUSSION PURPOSES ONLY**Sample Claims:**

38. (Amended) An implant for use ^{with an orthodontic app, the implant being used} as [an] a load-bearing anchor in the mouth in creating a stabilizing or moving force, comprising:

an elongated body having an in-bone portion connected to an above-bone portion, said in-bone portion and said above-bone portion each having an inner end and an outer end, the cross-sectional area of said above-bone portion inner end being greater than the cross-sectional area of said in-bone portion outer end, thereby forming a shoulder having a bone-contacting surface on said above-bone portion inner end capable of resting on a part of the bone surface adjacent to an opening in the bone when said implant is positioned in the mouth;

^{intended use} said elongated body further including a securing section for attaching an orthodontic appliance to said elongated body.

63. (Amended) A method of forming [an] a load-bearing anchor in a non-occlusal surface of the mouth for use in creating a stabilizing or moving force, comprising the steps of:

^{for use with an ortho app} providing an implant having an elongated body which includes an inner end, an outer end, an outer circumferential surface between said inner and outer ends, and a securing section for attaching an orthodontic appliance to said elongated body; and